

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO: 08-20225

v.

DISTRICT JUDGE THOMAS L. LUDINGTON
MAGISTRATE JUDGE CHARLES E. BINDER

SHONDELL ASKEW

Defendant.

ORDER AFTER INITIAL APPEARANCE
PURSUANT TO FED. R. CRIM. P. 32.1

I. Introduction and Initial Appearance

The Defendant was arrested on a warrant for supervised release violation issued by United States District Judge Ludington. The Defendant was previously convicted of Distribution of Cocaine Base in violation of 18 U.S.C. § 841. The Defendant requested appointment of counsel, and completed a Financial Affidavit. After review of a financial affidavit, I determined that the Defendant qualified for appointment of counsel, and I directed that counsel be appointed.

The Defendant appeared with appointed counsel for initial appearance on allegations of supervised release violations. At that time, the Defendant was given the advisement of rights provided in FED. R. CRIM. P. 32.1(b)(1).

II. Release or Detention

Pending further proceedings, the Government moved to detain the Defendant. Rule 32.1(a)(6) gives this Magistrate Judge the authority to release or detain a person charged with supervised release violations under 18 U.S.C. § 3143(a). After

consultation with his attorney, Defendant waives his right to the hearing and consents to detention pending his violation hearing.

III. Preliminary Hearing

If a person charged with supervised release violations is detained at the initial appearance, the court must promptly conduct a hearing to determine whether there is probable cause to believe that a violation occurred, unless the hearing is waived. FED. R. CRIM. P. 32.1(b)(1)(A). After consultation with his attorney, Defendant waives his right to a preliminary hearing.

IV. CONCLUSIONS AND RECOMMENDATION

Defendant having waived his right to both a detention hearing and a preliminary hearing, **IT IS ORDERED** that the Defendant be **detained** pending his revocation hearing, which is scheduled for **Tuesday, April 23, 2013, at 3:00 p.m.**, before United States District Judge Ludington

V. REVIEW

Review of this Order is governed by 18 U.S.C. § 3145 and E.D. Mich. L.R. 57.2.

Dated: April 15, 2013

s/ Charles E. Binder

CHARLES E. BINDER
United States Magistrate Judge

CERTIFICATION

I hereby certify that this Order was electronically filed this date, electronically served on Nancy Abraham and Jeff Day, and served by other electronic means on Probation Officer Walkowiak and the U.S. Marshals Service in Bay City.

Date: April 15, 2013

By s/Jean L. Broucek
Case Manager to Magistrate Judge Binder